

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MASSACHUSETTS**

<b>CoxCom, Inc. dba COX</b>	)	Case No.: <b>1-05-cv-30107 KPN</b>
<b>COMMUNICATIONS NEW ENGLAND</b>	)	
<b>("Cox")</b>	)	<b>JOINT STATEMENT OF THE PARTIES</b>
	)	<b>PURSUANT TO LOCAL RULE 16.1(D)</b>
Plaintiff,	)	
	)	
vs.	)	
	)	
<b>Bill Langlois</b>	)	
	)	
Defendant	)	

Now comes the Plaintiff, Comcast, and the Defendant, pursuant to Local Rule 16.1(D), do hereby submit the following Joint Statement to this Honorable Court. Defendant will submit his executed copy of this document in Court.

**I. PARTIES' CONFERENCE**

John M. McLaughlin, Counsel for the Plaintiff and the Defendant, do hereby certify that they have teleconferenced, on the issues required be discussed pursuant to this rule on July 18, 2005.

**II. SETTLEMENT PROPOSAL**

Defendant does hereby certify that he received a Settlement Proposal from the Plaintiff accompanying the Joint Statement, pursuant to Local rule 16.1(C). Counsel for the Plaintiff does hereby certify that he presented said Settlement Proposal to the Defendant. At this time, the Defendant is not in a position to accept the Plaintiff's demand for settlement of the above matter.

**III. MEDIATION**

The Parties agree to submit this dispute to non-binding mediation before the Senior

Judge, Magistrate, or Panel Member pursuant to Local Rule 16.4(c)(4). The mediation can occur as soon as it can be scheduled and in the meantime discovery can proceed in accordance with this Court's order.

#### **IV. JOINT STATEMENT AS TO DISCOVERY/MOTIONS**

The following represents the Agreement of the Parties and is submitted to the Court such that the Court can utilize same in devising the Scheduling Order.

1. All discovery should be completed by February 21, 2006.
2. The depositions of non-expert witnesses shall not exceed seven (7) hours per witness unless leave of the Court has been obtained or a written stipulation of the parties has been entered into to exceed said seven (7) hour limitation. The parties may also utilize subpoena duces tecum in conjunction with these non-expert depositions.
3. The Parties propose that the written discovery shall include, but not limited to, interrogatories, requests for production, and requests for admissions. Pursuant to Fed. R. Civ. P. 33, interrogatories shall be limited to 25 in number, including sub-parts. Pursuant to Fed. R. Civ. P. 34, each person shall have the opportunity to submit two sets of requests for production of documents and things to the other party.
4. The Plaintiff shall disclose to the Defendant all experts relied upon by the Plaintiff Defendant no later than February 27, 2006.
5. The Defendant shall disclose to the Plaintiff all experts relied upon by the Defendant no later than March 13, 2006.
6. Motions, including motions filed pursuant to Fed. R. Civ. P. 56 shall be filed no later than April 3, 2006.
7. On or about May 1, 2006 court will hold a hearing on any pending motions not already determined and/or on the status of the case.

#### **VI. CERTIFICATION**

Counsel for the Plaintiff certifies by his signature below that he has conferred with his client, pursuant to Local Rule 16.1(D) as to:

1. Establishing a budget for the cost of conducting the full course and various alternative courses of litigation; and,
2. To consider the resolution of litigation to the use of alternative dispute resolution programs.

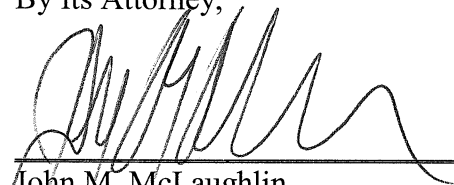
**VII. CONSENT TO APPEAR BEFORE A MAGISTRATE**

The Plaintiff is amenable to Trial before a Magistrate; Defendant is amenable to Trial before a Magistrate, but reserves his right to Jury Trial.

Date

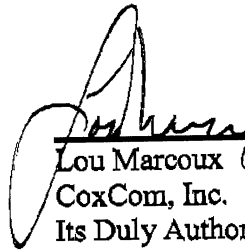
7/19/05

Respectfully Submitted for the Plaintiff,  
By Its Attorney,



John M. McLaughlin  
**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061-0210  
Telephone: (413) 586-0865  
BBO No. 556328

July 19, 25  
Date

  
\_\_\_\_\_  
Lou Marcoux  
CoxCom, Inc.  
Its Duly Authorized Agent

Respectfully Submitted for the Defendant,

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Date

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Bill Langlois  
158 Sturbridge Road  
Holland, MA 01521

Respectfully Submitted for the Defendant,

7/18/05  
Date

Bill Langlois  
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158 Sturbridge Road  
Holland, MA 01521